IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 16325 of 2004

Between:

M/s R.R.Real Estate Resorts Limited, rep.by its Managing Partner P.Ramachandra Reddy,
S/o P.Narayana Reddy, R/o III-161-2, Upstairs, Ist Main Road,
S.B.I.Colony, Madanapally, Chittoor District

..... PETITIONER

AND

1 The Managing Director, A.P.State Financial Corporation, Hyderabad
2 The Senior Branch Manager, A.P.State Financial Corporation, Tirupathi, Chittoor District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any order or direction, writ or writs, more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seizing the R.R.Real Estate and Resorts, situated at Perumalapalli Village, in Sy.No.268, an extent of 44 cents near Alipiri, Tirupathi and trying to dispose of the same third parties is illegal, arbitrary, malafide and against the principles of natural justice and consequently direct the respondents (i) Direct the Respondents to settle the loan in one time settlement scheme or to reschedule the loan by giving reasonable instalments, (ii) direct the respondents to allow complete the remaining construction work and to do my business in R.R.Real Estate and Resorts by considering the representation of the petitioner dated 6-12-2003, 27-12-2003 and 18-3-2004 in the interest of justice and equity.

Counsel for the Petitioner:MRCH.JANARDHAN REDDY

Counsel for the Respondent No.: MR.Y.N.LOHITA

The Court made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 16325 of 2004

O R D E R:

The present writ petition is filed challenging the action of the respondent in seizing the R.R. Real Estate and Resorts, situated at Perumalapalli village in S.No.268 to an extent of 44 cents near Alipiri, Tirupathi and trying to dispose of the same to the 3rd parties as illegal and arbitrary and consequently to direct the respondents to settle the loan in one time settlement scheme or to re-schedule the loan by giving reasonable instalments and to direct the respondents to allow the petitioner to complete the remaining construction work and to do his business in the said premises.

It is contended by the learned counsel for the petitioner that the writ petitioner is not aware of the alleged sale in favour of 3rd party and also about handing over possession to the purchaser. Hence he prays to quash the impugned proceedings.

On the other hand, learned counsel for the respondents contended that the writ petition has become infructuous inasmuch the property under mortgage was already sold to the 3rd parties and the 3rd parties have taken possession of the property and hence he prays to dismiss the writ petition.

The facts with regard to granting of loan and mortgaging the properties and default of payments are not in dispute. Though it is stated that the petitioner is not aware of the alleged will, but according to the respondents, they got published about it 9 times nobody has come forward except one offer and therefore they confirmed the said

offer and sold the property and the same was delivered in pursuance of a panchanama and therefore the remedy if any is to challenge the sale but not the seizure of properties.

Having regard to the facts and circumstances, I am of the considered opinion that the writ petition has become infructuous as there is no lis to be adjudicated or decided. The writ petition is accordingly dismissed at the stage of admission.

However, the petitioner is at liberty to file an application before the 2nd respondent-Corporation for the purpose of providing a copy of the sale proceedings and on receipt of the same, the respondent-Corporation shall furnish a copy of the sale proceedings within one week thereafter and also give the particulars of date of sale transaction so that he can obtain the same from the competent authority.

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K.C. Bhanu, J.

Date: 02—12—2004.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Managing Director, A.P.State Financial Corporation, Hyderabad
2 The Senior Branch Manager, A.P.State Financial Corporation, Tirupathi, Chittoor District

3. 2CD copies.